REMARKS

This is in response to the final Office Action mailed on September 30, 2009, in which claims 1-10 and 28 were rejected under rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,607,485 ("*Bardy*") in view of U.S. Patent No. 6,669,631 ("*Norris*") and further in view of U.S. Patent No. 6,644,322 ("*Webb*"); claims 11-14 and 16-26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Bardy* in view of *Norris*. With this Amendment, claims 1, 11, and 24 are amended. Claims 1-14, 16-26, and 28 are pending in the present application.

Claim Rejections – 35 U.S.C. § 103

Claims 1-10 and 28 were rejected under 35 U.S.C. § 103(a), as being unpatentable over *Bardy* in view of *Norris* and further in view of *Webb*. Claim 1 is directed to a system for delivering and gathering medical information including a medical data set and a server. With this Amendment, claim 1 is amended to recite that the medical data set is from a clinical and operational trial of a plurality of implantable medical devices. The server includes a computer readable medium including instructions executable to identify a review group including a first member and a second member each participating in a study of the implantable medical device. Support for the amendment to claim 1 can be found in the specification at, for example, paragraphs 0062, 0104, and 0105.

Bardy is directed to a computer readable medium containing code for automated collection and analysis of patient information retrieved from an implantable medical device for remote patient care. For each patient being provided remote patient care, the server system periodically receives collected measures, which are forwarded to a database module for processing. An analysis module analyzes the collected measures sets stored in the patient care records stored in the database and makes an automated determination of patient wellness in the form of a patient status indicator. *Bardy*, col. 7, lines 42-64.

Norris discloses deep computing techniques that are applied to mine statistical databases and patient specific data files contributed from multiple sources to formulate patient-specific medical profile. The stated purpose of Norris's system is to allow existing

but widely scattered expert medical and biological knowledge and expertise to be combined in a database for the use in the routine (non-expert) treatment of chronic diseases. *Norris*, col. 11, lines 25-30. *Norris*'s data management system essentially allows non-experts to develop an analysis of data for a patient's implantable device using existing, recorded knowledge from experts, as well as stored data from other implantable devices similar to the patient's implantable medical device.

Webb teaches a system and method for translating "Patient Session Information" including IMD data and patient data stored in IMD memory in one human language and optionally other patient data from other sources into another human language. A user can employ XML to direct a markup language to define in-house data handling methods and normalize varied data input sources to allow complex data handling.

However, none of the systems in *Bardy, Norris,* or *Webb* discloses, teaches, or suggests a medical device set from a clinical and operational trial of a plurality of implantable medical devices, as required by claim 1. Additionally, *Bardy, Norris,* or *Webb* fail to disclose, teach, or suggest a computer readable medium including instructions executable to identify a review group by selecting from a collection of review group members, or that the review group includes a first member and a second member each participating in a study of the implantable medical device, as further required by claim 1. Therefore, because the prior art of record does not teach or suggest all limitations of claim 1, the rejection of claim 1 under § 103(a) should be withdrawn. Claims 2-10 and 28 were also rejected under 35 U.S.C. §103(a) as being unpatentable over *Bardy* in view of *Norris* and further in view of *Webb*. Claims 2-10 and 28 depend from allowable claim 1, and as such are allowable therewith. In addition, it is respectfully submitted that the combinations of features recited in claims 2-10 and 28 are patentable on their own merits, although this does not need to be specifically addressed herein since any claim depending from a patentable independent claim is also patentable.

Claims 11-14 and 16-26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Bardy* in view of *Norris*. The Applicant respectfully points out that, contrary to the statement in paragraph 10 in the Office Action, the Applicant included arguments

disagreeing with the Examiner's contentions with regard to claim 11 on page 14 of the response filed May 29, 2009. Thus, the Applicant renews these arguments with respect to claims 11-23 in the present response.

In addition, claims 11 and 24 are amended with this Amendment. Amended claim 11 is directed to a method for obtaining medical information feedback using a medical device information system connected to a communications network. The method includes the steps of receiving a first data set originating from a clinical and operational trial of an implantable medical device over the communications network, and identifying a review group that includes a plurality of members participating in a study of the implantable medical device. Amended claim 24 is directed to a system for distributing medical data including a medical data database that includes a first data set originated from a clinical and operational trial of an implantable medical device and a second data set originated from the clinical and operational trial of the implantable medical device. The system also includes a server including a computer readable medium executable by a processor to communicate the first data set to a first plurality of reviewers participating in a study of the implantable medical device and the second data set to a second plurality of reviewers participating in a study of the implantable medical device.

Bardy and *Norris* disclose systems and methods for processing medical device data. However, for reasons similar to those discussed above, neither *Bardy* nor *Norris* discloses, teaches, or suggests receiving a first data set originating from a clinical and operational trial of an implantable medical device, or identifying a review group that includes a plurality of members participating in a study of the implantable medical device, as required by claim 11. Likewise, neither *Bardy* nor *Norris* discloses, teaches, or suggests a medical data database that includes first and second data sets originated from a clinical and operational trial of an implantable medical device, or a computer readable medium executable to communicate the first data set to a first plurality of reviewers participating in a study of the implantable medical device and the second data set to a second plurality of reviewers participating in a study of the implantable medical device, as required by claim 24.

Therefore, because the prior art of record does not teach or suggest all limitations of claims 11 or 24, the rejection of these claims under § 103(a) should be withdrawn. Claims 12-14, 16-23, 25, and 26 were also rejected under 35 U.S.C. §103(a) as being unpatentable over *Bardy* in view of *Norris*. Claims 12-14 and 16-23 depend from allowable claim 11, and claims 25 and 26 depend from allowable claim 24. As such, these claims are allowable with their respective independent base claims. In addition, it is respectfully submitted that the combinations of features recited in claims 12-14, 16-23, 25, and 26 are patentable on their own merits, although this does not need to be specifically addressed herein since any claim depending from a patentable independent claim is also patentable.

CONCLUSION

For the reasons explained above, all pending claims are now in condition for allowance. Accordingly, the applicant respectfully requests that the Office issue a Notice of Allowance.

Any amendments to the claims are made to expedite prosecution of this application, without acquiescing to the Office's rejections or characterizations of the claims or references in the Office Action. Even if not expressly discussed above, the applicant respectfully traverses each of the rejections, assertions, and characterizations regarding the disclosure and teachings of the cited references, including the prior art status and the propriety of proposed combinations of cited references.

The Applicant has made a good faith effort to respond to all rejections set forth in the Office Action and to place the pending claims in condition for immediate allowance. If it would be helpful, the Examiner is invited to contact the undersigned at the number listed below to facilitate prosecution of this application.

Respectfully submitted,

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